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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 Federal Trade Commission,
10 Plaintiff,

No. CV-12-02246-PHX-FJM

ORDER

11 v.

12 ELH Consulting LLC, et al.,
13 Defendants.

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16 The court has before it "Plaintiff's Motion for Continuance due to United States
17 Government Cessation" (doc. 120). The FTC asserts that its appropriations have lapsed
18 and its lawyers cannot act. It seeks a postponement of the deadline to file a motion for
19 summary judgment.

20 We acknowledge that some parts of the government have "shut down" due to the
21 failure of the House of Representatives to pass an unconditional appropriations bill. But
22 many Executive agencies have maintained their "essential" functions. As has the
23 judiciary. Only "non-essential" employees have been furloughed.

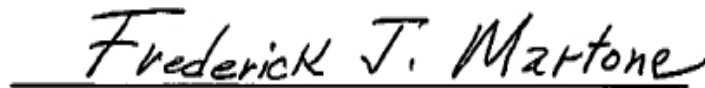
24 Because deciding cases and controversies under Article III of the Constitution is
25 an "essential" function of the judicial branch, this court is operating. The lawyers
26 appearing in its cases have a professional obligation to their clients to participate.

27 Thus, we need more information from Plaintiff before we can rule on the motion.
28 Has the entire FTC been declared "non-essential"? Are any lawyers in the FTC

1 categorized as "essential"? If the latter, why can't an "essential" lawyer prepare and file
2 the motion for summary judgment?

3 It is ORDERED that the Plaintiff shall file a Supplemental Memorandum in
4 support of its motion answering these questions no later than October 8, 2013.

5 Dated this 3rd day of October, 2013.

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8 Frederick J. Martone
9 Senior United States District Judge
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